

DECLARATION OF MICHELLE YOUNG

1. I, Michelle Young, make the following declaration in lieu of an affidavit, as permitted by 28 U.S.C. § 1746. I am aware that this declaration will be filed with the United States District Court and that it is the legal equivalent of a statement under oath. This declaration is based on my personal knowledge and information acquired in my official capacity in the performance of my official functions.
2. I am employed by U.S. Citizenship and Immigration Services (USCIS) as Associate Portfolio Director with the Service Center Operations (SCOPS) Student, Appeals, Family & Employment (SAFE) Portfolio. I have held this position since July 3, 2022. My title changed from Branch Chief to Associate Portfolio Director on December 29, 2024; however, the role has remained the same. As Associate Portfolio Director with SCOPS SAFE, I am responsible for overseeing the processing and adjudication of immigration benefit applications, petitions, and requests related to nonimmigrant students, families, appeals and employment authorization, including the Form I-765, Application for Employment Authorization and Form I-539, Application to Extend/Change Nonimmigrant Status. In that capacity, I am familiar with Form I-765 nonimmigrant student employment authorization adjudications and Form I-539 change of status or extension of stay adjudications. In addition, from January 2015 to July 2022, I manage the Form I-539 and Form I-765 portfolios as an Adjudications Officer. I am also familiar with how USCIS processes these caseloads.
3. The Student Exchange Visitor Information System (SEVIS) is a system of records maintained by Immigration and Customs Enforcement (ICE). The Department of Homeland Security (DHS) uses SEVIS to maintain information on Student and Exchange Visitor Program (SEVP)-certified schools, and F-1 and M-1 nonimmigrant students who come to the United States to attend those schools.
4. An F-1 nonimmigrant is an international student who enters the United States to pursue a full course of study at an SEVP-certified academic institution. An F-1 is admitted for the duration of their status, which, as relevant here, means “the time during which an F-1 student is pursuing a full course of study at an educational institution certified by SEVP for attendance by foreign students, or engaging in authorized practical training following completion of studies[.]” 8 C.F.R. 214.2(f)(5)(i). F-1 nonimmigrants are required to comply with certain regulatory requirements and restrictions. *See* 8 CFR 214.1 and 8 CFR 214.2(f).
5. USCIS conducts security checks on individuals applying for immigration benefits, including checks in government databases. *See* USCIS Policy Manual Vol. 1, Part C. As part of its security checks, USCIS reviews SEVIS records, if any, for those who submit benefit requests. Such benefit requests may include, for example, a change of status to a different nonimmigrant status, a request for Optional Practical Training (“OPT”), or reinstatement after a failure to maintain F-1 nonimmigrant status.
6. I am aware that on or around April 10, 2025, Immigration and Customs Enforcement (ICE) terminated records of certain F-1 nonimmigrants in SEVIS.

7. USCIS does not equate SEVIS record termination with termination of an alien's F-1 nonimmigrant status. Additionally, USCIS does not equate SEVIS record termination with adjudication of an immigration benefit.
8. An alien's nonimmigrant status can be terminated during the initial period of admission or an extension of stay by the revocation of a waiver authorized on behalf of the alien under INA § 212(d)(3) or (4), by the introduction of a private bill to confer permanent resident status on such alien, or pursuant to a notification in the Federal Register on the basis of national security, diplomatic, or public safety reasons. *See* 8 CFR 214.1(d).
9. If while adjudicating an immigration benefit request that includes a change of status and/or extension of stay request, USCIS finds that an F-1 nonimmigrant has violated or otherwise failed to maintain his or her nonimmigrant status, the change of status or extension of stay request, as applicable, would be denied and the F-1 nonimmigrant would begin to accrue unlawful presence the following day. *See* USCIS Interoffice Memorandum on Consolidation of Guidance Concerning Unlawful Presence for Purposes of Sections 212(a)(9)(B)(i) and 212(a)(9)(C)(i)(I) of the Act (Neufeld Memo).
10. If during removal proceedings, an immigration judge finds that an F-1 nonimmigrant has violated or otherwise failed to maintain his or her nonimmigrant status, the F-1 nonimmigrant would begin to accrue unlawful presence the day after the immigration judge issues his or her order. *See* Neufeld Memo.
11. If while adjudicating an immigration benefit request, USCIS finds that an F-1 nonimmigrant's SEVIS record was terminated and then reactivated by ICE, USCIS would continue processing the benefit request according to all applicable laws, regulations, policies, and procedures. The SEVIS record termination and reactivation would not, *per se*, have a negative impact on the benefit request's adjudication.
12. I declare under the penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge.

Burlington, Vermont
May 7, 2025

Michelle Young
Associate Portfolio Director
Service Center Operations (SCOPS)
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